

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission
On Its Own Motion

Investigation Concerning Illinois Bell
Telephone Company's Compliance with
Section 271 of the Telecommunications Act
of 1996

Docket No. 01-0662

**PHASE 2 REBUTTAL
AFFIDAVIT OF JUSTIN W. BROWN
ON BEHALF OF SBC ILLINOIS**

SBC ILLINOIS EXHIBIT 9.0

PUBLIC VERSION

Dated: March 3, 2003

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I, Justin W. Brown, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

INTRODUCTION

1. My name is Justin W. Brown. My business address is 790 North Milwaukee, Milwaukee, Wisconsin. I am the same Justin W. Brown who sponsored an affidavit previously in this proceeding.

PURPOSE OF AFFIDAVIT

2. The purpose of this affidavit is to respond to comments and affidavits submitted by various CLECs and interveners in this proceeding regarding the Local Service Centers (“LSC”) and Local Operations Centers (“LOC”). Specifically, I address comments made, by Ms. De Young and Mr. Willard of AT&T, by Forte Communications, and by Ms. Lichtenberg of WorldCom.

WORKING SERVICE CONFLICT (“WSC”) PROCESS ISSUES

3. AT&T’s assertions with regard to SBC Illinois’ handling of the manual notification process for Working Service Conflict (“WSC”) conditions (De Young/Willard ¶ 59– 61) are uniformly misleading and inaccurate. As discussed further in the rebuttal affidavit of Mark Cottrell, AT&T’s “backlog” of orders resulted from its own failure to follow the processes discussed in the CLEC User Forum, and circulated to the CLECs in Accessible Letters CLECAM02-295 (July 24, 2002) (Schedule JWB-1) & CLECAM02-349 (August 30, 2002) (Schedule JWB-2). Specifically, AT&T systematically failed to respond appropriately to the WSC notifications it received by providing either a supplemental request for an additional line, or authorization to disconnect abandoned service. As a result, AT&T’s service orders for the WSC Purchase Order Numbers (“PON”) were held

in pending status – and not completed – for up to 30 days, while awaiting the appropriate response from AT&T. Thus, the 5,000 order “backlog” of which AT&T complains consists of orders that were not completed – and in some cases were cancelled – due to AT&T’s own failure to monitor its ordering activity and follow the established processes for replying to WSC notifications.

4. Despite the fact that AT&T was alone responsible for its “backlog” of orders, SBC Illinois agreed to work with AT&T on a project basis to process that “backlog.” The specific agreement between the parties as to how the project would be conducted and the notifications that SBC Illinois would provide to AT&T is contained in the attached e-mail from AT&T’s Sarah DeYoung to SBC Account Manager Paul Monti (Schedule JWB-3). Contrary to AT&T’s contention in this proceeding, the AT&T orders for new lines, which have received WS1A forms and which were in pending status were processed appropriately by the agreed-upon target date of December 15, 2002 noted in Ms. De Young’s attached email.
5. AT&T alleges that during the “first month the [WSC] process was implemented, AT&T received more than 2,000 faxed WS1A forms – 800 of which SBC subsequently acknowledged had been sent in error” (De Young/Willard Aff. ¶ 59). This is simply not the case. In November of 2002, SBC Midwest and AT&T discussed 308 PONS for which AT&T claimed WSC notifications were sent in error. Based on this sample of 308, AT&T “statistically” concluded that 800 of the 5000 WSC notifications it had received were actually sent in error.
6. On review, SBC Illinois discovered that 222 of the 308 WSC notifications discussed with AT&T were in fact correctly sent, but related to duplicate LSRs sent by AT&T for the same line. Rather than appropriately responding to the WSC notification, AT&T

apparently resubmitted its LSR (sometimes multiple times) when it did not receive a service order confirmation on the original order. Accordingly, it received multiple WSC notifications (i.e., one for each LSR) for the same line. On 38 of these notifications, SBC Illinois discovered that it had, in fact, sent WSC notifications in error. This appeared to have occurred due to a manual error in sending the faxes; the LSC revisited proper procedures for sending these faxes with its service representatives, and has received no indication from other CLECs that they are experiencing a similar problem.

7. AT&T next contends that it recently “learned that SBC had neglected to complete the provisioning of approximately 500 TNs associated with the original September – November backlog,” complaining that SBC Illinois had held the orders up “for months.” Id. ¶ 60. Again, these statements are not correct. On January 8, 2003, AT&T provided the LSC with a list of 518 PONS handled as part of the AT&T backlog that, according to AT&T, had “missing SOC’s.” The investigation into these PONS showed that they had been processed appropriately by December 15, according to the agreed-upon process.
8. Most of the subject PONS were either cancelled per the terms of the agreement (either as a “duplicate PON” (see above) or as a result of AT&T’s failure to respond to a jeopardy issued on or before the provisioning due date), or completed on the due date (which was after December 15, 2002). The two PONS that still are not provisioned are currently in jeopardy status awaiting a response from AT&T. SBC Illinois worked closely with AT&T to advise it of the status of these orders as the investigation has progressed. The significant time and effort expended by the LSC in revisiting these processed orders is attributable to the fact that AT&T did not employ the resources necessary to track and coordinate responses to the PONS in question according to the agreed upon procedures.
9. It is disappointing for SBC Illinois to have followed established CLEC User Forum

(“CUF”) procedures in setting up the WSC notification procedures; to have implemented those procedures after due notice to CLECs; to have almost all CLECs follow that process in an appropriate manner; and to have devoted substantial time, energy and resources to helping AT&T out of a problem AT&T itself created, only to have AT&T misconstrue and misrepresent the entire process. SBC Illinois acted in good faith and met its voluntary commitment to address AT&T’s order “backlog” in a timely and efficient manner. It does not deserve the unfair and inaccurate treatment meted out by AT&T in its comments.

10. Forte Communications also discusses the WSC process in its affidavit. Forte claims that, although Forte should be notified of existing service “several days before the due date,” in fact, “more than 80% of the time, Forte does not receive the fax from SBC at all, or receives it on or after the due date” (Forte Aff. page 6 lines 12-13). It should be noted that Forte brought this issue to the CUF in October of 2002 and that SBC has offered to work in a collaborative manner with Forte to resolve their WSC concerns. The initial investigation found that Forte had changed their fax number without informing SBC Illinois of that change. Once the fax number situation had been resolved, SBC Illinois believed that the situation had been resolved. However, Forte continued to have concerns regarding timeliness of the WSC process.
11. Based on those concerns, SBC Illinois repeatedly asked Forte’s CUF representatives to provide subsequent examples so that a root cause analysis could be performed and a resolution agreed to. SBC Illinois asked for those examples during the November 2002, December 2002 and January 2003 CUF meetings. Forte finally submitted subsequent LSR examples on Saturday February 15, 2003, which was only two business days prior to the next scheduled CUF meeting.

12. Nevertheless, SBC Illinois initiated a further investigation into the root cause of Forte's WSC timeliness concerns. That investigation revealed that SBC Illinois had received supplemental order activity from Forte on many of the LSRs that Forte was concerned about. That is, Forte had submitted a supplement to their LSR that changed the originally requested due date on their order. Forte's example spreadsheet, however, does not appear to take their supplemental LSR activity into consideration as it calculates the timeliness of the WSC forms. In other words, Forte's calculation of timeliness is based on the original due date and not the supplemental due date, which has the effect of overstating the number of late WSCs. Investigation of Forte's subsequent LSR examples is ongoing at this writing and a resolution of Forte's concerns is expected to occur through normal CUF activity.
13. WorldCom notes that it did not receive its WSC notification forms because SBC Illinois directed the forms to the wrong fax number. Lichtenberg Aff. ¶ 37. On January 30, 2002, WorldCom first notified its SBC Midwest Account Team representatives that it was not receiving WSC notification forms. Upon investigation, it was determined that the LSC was faxing WorldCom's WSC notifications to the wrong number; the correct number was obtained, and the forms have been sent to the correct number since that time. On review, SBC Illinois has determined that WorldCom did forward its fax number to the CUF mailbox as requested in Accessible Letter CLECAM02-349. However, because the number was never forwarded internally to the LSC,¹ the LSC began faxing WorldCom's notifications to the fax number currently on record for WorldCom – which turned out to

¹ It appears the number was not forwarded to the LSC due to an unexpected death in the family of the responsible employee. WorldCom's fax number was overlooked in the aftermath of that event. In order to avoid a similar problem in the future, SBC has put redundancies in place to ensure that multiple employees are in receipt of such forms when a CLEC submits them. So far as SBC is aware, no other such numbers were missed.

be incorrect. SBC Midwest regrets this error, has corrected the error, and will work with WorldCom to resolve any outstanding issues related to the misdirected WSC forms.

INVALID USOCs

14. Forte Communications and WorldCom have both mentioned their concerns regarding invalid USOCs that are placed on their accounts via service order activity and which can result in erroneous billing to the CLEC. Both Forte and WorldCom mention specific USOCs that they believe are not valid for the UNE-P product (Forte Aff. page 10 line 4; Lichtenberg Aff. ¶¶ 11-12). Forte and WorldCom are correct in that there may be some instances where USOCs can be applied in error. However, this does not reflect a systemic problem in SBC Illinois' billing procedures.
15. While SBC strives to eliminate human error, as with any manual process, human error does occur. When CLECs find these kinds of Service Representative caused errors, they are encouraged to contact the LSC Billing team for resolution. The LSC Billing team is in place to care for these types of situations and collaboratively works with the CLECs on a daily basis to resolve billing issues.
16. Additionally, the LSC Billing team has recently become an active participant in the CUF process and has agreed to participate on a collaborative sub-team with the CLECs to help alleviate any CLEC concerns regarding billing accuracy issues. The CUF sub-team proposal was presented to the CLECs during the February 19, 2003 CUF by the LSC Billing leadership team and several CLECs, including, WorldCom have volunteered to participate as team members.

MISSING SOC's AND ERRONEOUS CANCELLATIONS

17. WorldCom claims that, "everyday WorldCom calls SBC to report orders it has not received expected completion notices" (Lichtenberg, ¶ 30). The LSC works closely with

WorldCom to locate the cause of any notification (i.e. FOC, SOC or reject), which WorldCom claims it has received or not received in error. WorldCom provides SBC Illinois with spreadsheets of such allegedly missing notifications on a regular basis. In response to WorldCom's contentions in this proceeding, SBC Illinois has reviewed the notifications that WorldCom has provided to date in the business-to-business context. None of this documentation indicates that SBC Illinois "often" fails to provide WorldCom with cancellations or any other notifications.² In fact, WorldCom's own documentation demonstrates just the opposite.

18. Spreadsheets provided by WorldCom contain a total of ***** PONS for the LSC to investigate, covering the period from September 2002 through February 2003. During that same time frame, more than ***** SOC's were sent to WorldCom, based on data reported in PM 7.1. As such, even if every single one of the ***** PONS in question did not receive a cancellation notice in error (which was not the case), the overall error rate would be only *****%.³ While SBC Illinois regrets any error in order processing, an error rate this low indicates excellent performance.
19. On review, the LSC determined that ***** of the PONs submitted for review by WorldCom were cancelled per the WSC process; another ***** PONS were in

² Ms. Lichtenberg claims in footnote 21 of her affidavit that "in October, SBC unilaterally insisted that WorldCom had to call SBC to report missing notifiers rather than using the previously established process under which WorldCom would transmit spreadsheets that included all missing notifiers." (Lichtenberg. at fn. 21) In fact, the LSC Line Manager who supplied WorldCom with that information simply erred in telling WorldCom that the process had changed. WorldCom was informed of this fact by its Account Manager on February 5, 2003, and the line manager in question has been updated on the correct procedure.

³ On review, the LSC determined that notifications had been timely provided to WorldCom on ***** of these PONs. Subtracting these from the total would further bring the error rate down to *****%. Also, both percentages include the number of impacted PONs for February 2003 but, because February PM results have not been reported, does not include February SOC's. As such, even these extremely low error rates are overstated.

pending status, awaiting a response from WorldCom to the WSC notification. For each of the pending PONs, the spreadsheet returned by the LSC contained the following indicator: "Order held for WIW. Need sup." Thus, WorldCom was provided with sufficient information to clear pending orders prior to cancellation. For the cancelled PONs the spreadsheet noted, "Canceled due to no sup received." SBC Midwest regrets the inconvenience caused to WorldCom as a result of using the incorrect fax number, and will coordinate with WorldCom on how to handle the ***** cancelled PONs. As noted above, WorldCom's WSC notifications are now being sent to the appropriate number. The account team has worked with WorldCom to familiarize it with the WSC process so that, moving forward, WorldCom should be able to follow the WSC process without delay or cancellation.

20. While SBC Illinois does not deny that manual errors occur, those errors are few in number and are quickly addressed. Although the LSC may have failed on occasion to return a cancellation notice appropriately to WorldCom, or have missed a SOC notification, there is no documentation and no evidence on record in this proceeding of anything other excellent performance on the part of the LSC.

SERVICE ORDER COMPLETIONS ("SOC")

21. WorldCom complains that SBC Illinois has "transmitted completion notices on some orders that had not actually been completed," causing the customer to be double billed because WorldCom "begins billing customers as soon as it receives a completion notice." Lichtenberg Aff. ¶ 24-26. WorldCom then goes on to complain of the e-mail process utilized by SBC Illinois to notify WorldCom of the erroneous completions, suggesting that, by" informing WorldCom of erroneous completion notices via e-mail, SBC forces WorldCom to ensure the proper employees receive SBC's e-mails and then

use manual processes to remove customers from the billing systems” (Lichtenberg Aff. ¶ 27). Ms. Lichtenberg’s complaints about receipt of erroneous SOC’s are overstated, and its complaints about the current notification process are invalid.

22. First, although erroneous completions do occur, they occur on a very infrequent basis.⁴

As set out in Table 1 below, from the time the completion error notification process was initiated on September 1, 2002 through January 2003, more than 2,400,000 SOC’s (as reported by PM 7.1) were provided to CLECs throughout the SBC Midwest region. Of those, only 111 (or approximately 0.005%) resulted in a completion error notification.

Table 2 below shows that for WorldCom, a total of ***** completion notices, out of more than ***** SOC’s (for an error rate of *****%) were sent. Finally, of the ***** error notifications sent to WorldCom, only ***** related to the more than ***** SOC’s (or *****%) attributable to WorldCom’s Illinois ordering activity. This error rate is extremely small for all CLECs, including WorldCom.

⁴ The few completion notices that are sent in error generally result from manual processing error. For example, such error may occur when one CLEC issues an LSR to migrate an end-user and, while that order is pending, another CLEC sends an LSR to convert the same end-user. In this circumstance, the second LSR should be rejected back to the CLEC, due to pending service order activity attributable to the first CLEC’s order. However, if the subsequent LSR is not rejected, and the second order completes, an erroneous SOC may occur. In response to this particular ordering scenario, LSC representatives have been instructed, and M&P have been clarified, on the importance of checking for pending service order activity on the line in question prior to completing an order.

Table 1 – All CLECs

	Illinois			5 State Total		
	Total Mechanized SOC's Sent (PM 7.1)	Total SOC's in Error	% in Error	Total Mechanized SOC's Sent (PM 7.1)	Total SOC's in Error	% in Error
Sep-02	170,400	3	0.002%	519,200	16	0.003%
Oct-02	176,900	9	0.005%	526,900	20	0.004%
Nov-02	126,500	4	0.003%	416,800	14	0.003%
Dec-02	143,800	5	0.003%	476,600	14	0.003%
Jan-03	158,000	7	0.004%	512,100	47	0.009%
Total	775,600	28	0.004%	2,451,600	111	0.005%

Table 2 – WCOM Only

CONFIDENTIAL CHART BELOW

	Illinois			5 State Total		
	Total Mechanized SOC's Sent (PM 7.1)	Total SOC's in Error	% in Error	Total Mechanized SOC's Sent (PM 7.1)	Total SOC's in Error	% in Error
Sep-02	*****	*****	*****%	*****	*****	*****%
Oct-02	*****	*****	*****%	*****	*****	*****%
Nov-02	*****	*****	*****%	*****	*****	*****%
Dec-02	*****	*****	*****%	*****	*****	*****%
Jan-03	*****	*****	*****%	*****	*****	*****%
Total	*****	*****	*****%	*****	*****	*****%

23. When SBC Midwest systems identify PONs on which it appears a SOC might have been sent in error, those PONS fall to a “safety net” report for LSC investigation.⁵ If the LSC determines the SOC was sent in error, it generates a spreadsheet that provides the PON number and other detail, including a brief synopsis of what lead to the erroneous

⁵ Several indicators are used to identify “suspect” completion notifications. Some of these include service orders that are identified as in completed status, but for which no actual completion information was sent from the downstream system; or LSRs that are identified as missing corresponding activities on the service order(s) (i.e., inward activity on a migration without outward activity).

completion. The SBC Account Team representative then e-mails the spreadsheet to the to the affected CLEC.

24. WorldCom correctly points out that a completion notification sent in error can result in two CLECs billing the same end user. In fact, prevention of such occurrences is one of the reasons SBC Illinois proactively e-mails erroneous completion notifications to the CLEC. WorldCom suggests that it would prefer receiving a line loss notification to receiving an e-mailed notification of a completion error. However, a line loss notification provided in these circumstances would still be provided manually rather than electronically.⁶ Further, a line loss notification would not provide the detail made available through the erroneous completion notification spreadsheet, which provides the CLEC with sufficient information to identify the account in question; allows the CLEC to take appropriate action to prevent additional incorrect billing of the end user; allows the CLEC to refund any incorrectly billed amounts; and helps the CLEC to determine whether it wishes to resubmit its original order migrating the customer.

IDLC HOT CUTS

25. In the discussion of Checklist Item 4, the Commission's Phase 1 Interim Order asks the Company to make a showing that it has developed a four-hour appointment window to replace the existing eight-hour window for hot cuts involving integrated digital loop carrier ("IDLC"). (Order at ¶¶ 960-963).
26. Beginning November 9, 2002, SBC Illinois established a four-hour commitment/appointment window for hot cuts involving IDLC. Under this new procedure, all coordinated hot cuts related to IDLC are scheduled during the commitment

⁶ See the Cottrell affidavit for a discussion of electronic and manual line loss notifications.

hours of 10:00 AM to 2:00 PM. If a CLEC requires a different four-hour commitment window, the CLEC can request it by issuing a supplemental copy of a local service request. All of the procedures surrounding this new four-hour commitment window for IDLC hot cuts are set forth in Accessible Letter No. CLECAM02-440 dated November 9, 2002, attached hereto as Schedule JWB-4.

27. The procedures for 4-hour hot cuts I describe above have been in place and operational within SBC Illinois since November 9, 2002.

CONCLUSION

28. This concludes my affidavit.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on _____, 2003.

Justin W. Brown
General Manager–Regulatory Support

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)

Subscribed and sworn to before me this _____ day of _____, 2003.

Notary Public